

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, April 14, 2004**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, April 14, 2004, at 3:30 p.m. in the Council Chambers at the Stryker Building, 412 N. Boundary Street.

**CALL TO ORDER and ATTENDANCE**

Chairman Freiling called the meeting to order. Present in addition to Mr. Freiling were Commissioners Hertzler, Young, Friend, McBeth, and Pons. Absent was Commissioner Smith. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

**MINUTES**

Mrs. McBeth moved that the minutes of the work sessions on February 23, March 8, 22, and April 5, and the regular meeting on February 18 be approved as submitted. The motion was seconded by Mr. Pons and carried by roll call vote of 6-0.

**CONSENT AGENDA**

There were no cases on the consent agenda this month.

**PUBLIC HEARINGS**

Chairman Freiling pointed out that the Commission's audience does not have benefit of the background documentation and memoranda that the Commission receives in their packets. He said although he did not wish to make more work for Planning staff, he wonders if more of this backup material might be made available on the internet. Mr. Nester responded that City Council packet information is currently being put on our web site and once this is successfully underway, pertinent portions of Planning Commission packets could also be posted to the web.

**PCR #04-005: Request of the Colonial Williamsburg Foundation for a special use permit for a parking master plan for the Williamsburg Inn and Lodge area, 300 East Francis Street and 310 South England Street. The parking master plan will be in lieu of the standard parking regulations, and will cover the Williamsburg Inn and Lodge, Conference Center, Restaurant, Health Evaluation Center, and a spa/fitness center. The standard parking regulations require approximately 769 parking spaces. The parking master plan proposes 702-756 parking spaces plus off-site parking of 350+ spaces [Block 44 (Newport Avenue and Nassau Street), Green Course Clubhouse, Bruton Heights School Educational Center, and the Visitor Center].**

**This area is zoned Colonial Williamsburg Historic Area CW and Museum Support District MS. The Commission recommended approval with contingencies by a vote of 5-0-1.**

Mr. Nester reviewed the memorandum dated April 5, 2004 noting that this master parking plan for the Williamsburg Inn and Lodge area would bring everything together and is based on actual average and peak demand rather than only Zoning Ordinance requirements. Of primary concern is Conference Center parking accessibility and adequacy. Mr. Nester said there are representatives from the Colonial Williamsburg Foundation present today to respond to any questions the Commission might have.

In response to the question of how the Plan will be enforced over the long-term, Mr. Nester replied enforcement is handled through the requirements of the special use permit, and if these requirements are not upheld, a violation will be cited.

Victoria Gussman, representing Colonial Williamsburg, thanked Mr. Nester and planning staff for their review and good suggestions. She introduced Steve Wigley, project manager, and others responsible for the Plan.

In response to Commissioner McBeth's comment that during the Site Plan Review process there was a question from the Park Service regarding stormwater management, Mr. Nester stated that stormwater management is part of the site plan and City staff has reviewed the plan and is satisfied. He added that Mrs. Murphy will be addressing this in more depth during her review of SPR #04-010. Mr. Pons noted that there is often overflow parking on the grass in the area and asked if something could be done to alleviate this eyesore. Mrs. Gussman responded that possibly some edging in the future can be accomplished.

There being no additional comments the public hearing was closed.

Mr. Young moved that the Planning Commission recommend to City Council that a special use permit be approved for the Williamsburg Inn and Loge Parking Master Plan, contingent upon the following:

1. The special use permit approves the plan titled "Williamsburg Inn and Lodge Parking Master Plan, Submission to the City of Williamsburg, March 8, 2004," prepared by Vanasse Hangen Brustlin, Inc.
2. Modifications to all parking lots shall be in accordance with Article VII. Site Plans, of the Williamsburg Zoning Ordinance.
3. Modifications to parking lots B and C shall be completed before the issuance of a certificate of occupancy for the Health Evaluation Center.
4. Modifications to parking lots F and G shall be completed before the issuance of a certificate of occupancy for the new Conference Center.
5. Modifications to parking lots D and E shall be completed before the issuance of a certificate of occupancy for the North Guest Houses.
6. A minimum of 702 spaces shall be provided for lots A through G.

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7. The Parking Management Plan, as outlined on pages 6 and 7 of the "Williamsburg Inn and Lodge Parking Master Plan," shall be implemented before the issuance of a certificate of occupancy for the new Conference Center.
8. The Colonial Williamsburg Foundation shall work with the National Park Service to implement improvements to pedestrian access from Newport Avenue to Block 44.

Mr. Friend seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Young, Hertzler, Friend, McBeth, Pons
No:	None
Abstain:	Freiling
Absent:	Smith

**PCR #04-006: Request of Williamsburg-James City County Public Schools for a special use permit to place one double-wide classroom trailer (2 classrooms) at Berkeley Middle School, 1118 Ironbound Road, for a three-year period beginning July 1, 2004. The property is zoned RS-2 Single Family Dwelling District. The Commission recommended approval by a vote of 6-0.**

Mr. Nester reviewed the memorandum dated April 1, 2004 noting the request is for a three-year period beginning July 1, 2004.

Chairman Freiling opened the public hearing.

Bruce Abbott, AES, Consulting Engineers and Ed Qualtrough with the School Division, representing the applicant were present for questions.

Mr. Pons asked what would happen after the three-year period, and Mr. Abbott answered that it depends on whether the trailer is still needed. If enrollment dictates, they may be back to request an extension of the special use permit.

Mrs. McBeth noted that the Site Plan Review committee discussed the need for more trailers in the future and the site plan takes this possibility into account. In response to Mr. Freiling's question about whether the other middle schools are at capacity, Mr. Qualtrough said James Blair is full, and the schools where the most population growth is being observed are Toano and Berkeley. Toano is maxed-out and he said he would have to check to see where Berkeley stands.

Mr. Freiling asked for population projections for five to seven years out and Mr. Qualtrough said he will need to check with the School Division and let Mr. Nester know.

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Mr. Young noted that in the process of applying for a special use permit he would have hoped a better answer than “if we need it we’ll be back” could have been prepared. Mr. Abbott said, as the engineering firm, they have a handle on the site potential, but the school system has a handle on the need issue.

There being no additional comment the public hearing was closed.

Mr. Pons moved that the Planning Commission recommend to City Council that the special use permit be approved to allow one double-wide classroom trailer (two classrooms) at Berkeley Middle School for a three-year period beginning July 1, 2004, and in accordance with the site plan dated 3/29/04 and prepared by AES Consulting Engineers.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Hertzler, Friend, McBeth, Pons, Freiling
No:	None
Abstain:	None
Absent:	Smith

Mr. Freiling stated that although he is fully aware of the pressing space issues, it is unfortunate the school system can’t find accessory functions to house in the trailers rather than children.

**PCR #04-007: Request of Carlotta Cundari to amend Chapter 21, Zoning, of the Williamsburg City Code, LB-1 Limited Business Downtown District, Section 21-249, to allow public or private schools with a special use permit. The Commission recommended approval by a vote of 3-1-2.**

**PCR #04-008: Request of Carlotta Cundari for a special use permit to locate a “satellite campus” of the Williamsburg Montessori School for approximately 30 students at 420 Scotland Street. The property is zoned LB-1. The Commission recommended approval by a vote of 3-1-2.**

Mr. Nester reviewed the memorandum dated April 8, 2004. Among questions to consider are is this an appropriate use of the property, and is the proposed usage consistent with future planned uses?

The City has committed a lot to improvement of this area and the Comprehensive Plan reflects a mix of uses for the area. Close consideration needs to be given to uses and their compatibility with the total plan. Mr. Nester said that although he does not believe a traffic analysis is required, consideration needs to be given to the actual operation of the drop-off, pick-up procedure of students.

Mr. Nester stated that he has received several pieces of correspondence:

- Mr. A. M. Redd, Jr. wrote on behalf of his wife, Susan Warburton Redd, and his sister-in-law, Martha Warburton McMurren, who own the property at 402 Scotland Street, next door to 420 Scotland Street. They are requesting that the applications for rezoning and for the issuance of a special use permit for a school at the location be denied.
- Mr. John A. Moorman, Director of the Williamsburg Regional Library, wrote of his concern that one of the parking lots being considered is the library parking lot that is already shared with the police department and the Stryker building. He stated that the strain that this additional use of the parking facility would place on library users is considerable. He asked that the Commission consider this concern in making their recommendation to City Council.
- Mr. John Tarley, with Spirn, Tarley, Robinson & Tarley, P.L.L.C., representing the Williamsburg Montessori School, was unable to attend the Planning Commission meeting today, and asked that consideration be given to building enforcement mechanisms into the approval if the special use permit is approved with conditions rather than attaching a revocable clause to the permit.

Regarding the request for a special use permit, Mr. Nester noted that both the Site Plan Review committee and the Architectural Review Board approved the plans. He said the proposal is consistent with the mixed use plan for the area, but approval should be with contingencies, particularly in regard to student drop-off and pick-up procedures. Mr. Nester added that if the provisions of the approval are violated the permit could be revoked via public hearings before the Planning Commission and City Council.

Mr. Friend stated that he is favorably impressed with this application and considers it an appropriate use of the property with goals that are laudable. The traffic issue would be considerably less than most other uses and staff has done an excellent job of proposing contingencies to address the traffic concerns.

Chairman Freiling opened the public hearing.

**Bobby Hornsby**, 2 Kensington Court, representing Dominic and Carlotta Cundari, owners of the property, thanked Mr. Nester and staff for their assistance with the request. He added that Mrs. Cundari, who is the former Head of the Williamsburg Montessori School, is present today as is Ed Pease, architect for the project. Mr. Hornsby responded to Mr. Moorman's concerns regarding the drop-off and pick-up of students and clarified that the school will not be using library parking lots. He added that there will be no outdoor play equipment, there will be exceptional insurance coverage, and the restaurant concept will not be inhibited by the school's presence.

**Jacqueline Cossentino** who is current Head of the Montessori School, thanked planning staff for their attention to detail regarding the proposal. She said she is present today to answer any questions or concerns that may be presented, and also to explain why the school wants to be at this particular site. She stated that they need

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more space, but want to offer their students an urban schooling experience, and develop stewards of the City of Williamsburg. School parents have agreed there is no problem with the parking rules proposed and they will play by these rules. Ms. Cossentino concluded her comments by saying that their intentions are sincere and enthusiastic.

There being no additional comment the public hearing was closed.

Mr. Pons expressed concern over the loss of the residential base and suggested more discussion is needed. The City has spent millions of dollars on the area, and Mr. Pons asked a school would be the best use of the property.

Mr. Young asked if staff is satisfied that Mr. Tarley's concerns communicated in his e-mail are addressed, and Mr. Nester responded that the fourth contingency in the proposed approval specifies the revocation process.

Mr. Hornsby stated that it is planned to have one of the school's teacher's residence on the second floor. He added that Mrs. Cundari and the school will state in writing that the school would support an adjacent restaurant/bar.

Regarding **PCR #04-007**, Mr. Friend moved that Planning Commission recommend to City Council that the Zoning text be amended to allow public or private schools in the LB-1 District with a special use permit.

Mrs. McBeth seconded the motion which carried by roll call vote of 3-1-2.

Recorded vote on the motion:

Aye:	Young, Friend, McBeth
No:	Pons
Abstain:	Freiling, Hertzler
Absent:	Smith

Regarding **PCR #04-008**, Mr. Friend moved that Planning Commission recommend to City Council that the special use permit be approved to locate a "satellite campus" of the Williamsburg Montessori School at 420 Scotland Street, contingent upon the following:

1. Individual student drop-off and pick-up along Scotland Street, North Boundary Street and North Henry Street is not allowed.
2. Individual student drop-off and pick-up using the entrance court to the Prince George Parking Garage is not allowed.
3. School bus drop-off and pick-up in front of 420 Scotland Street is allowed.
4. The special use permit is subject to revocation by City Council if conditions 1 and/or 2 are violated. Revocation of the special use permit shall be subject to the same procedures required for a new application (Secs. 21-45 and 21-46). The waiver of any breach or violation of this

permit shall not operate or be construed as a waiver of any subsequent breach or violation.

Mrs. McBeth seconded the motion which carried by roll call vote of 3-1-2.

Recorded vote on the motion:

Aye:	Young, Friend, McBeth
No:	Pons
Abstain:	Freiling, Hertzler
Absent:	Smith

## **SITE PLANS AND SUBDIVISIONS**

**SPR #04-004: Parkway Condominiums, 222 Parkway Drive – New Condominiums (46 units). The Commission approved the site plan with contingencies by a vote of 6-0.**

Mrs. Murphy reviewed the memorandum dated April 9, 2004 noting that the original plan of 56 units is no longer on the table. She also stated that Howard Price with AES, Consulting Engineers is here representing the applicant.

Mr. Young expressed concern about the condominium's covenants stating that no more than 15% of the total units can be rentals. He asked what would prevent the covenants from being changed in the future. Mr. Nester responded that the condition of no more than 15% rental units is a proffered condition, and will be part of the condominium document and cannot be changed without violating the conditions of the approval. He added that the Planning Commission had previously voted not to recommend approval to City Council, but subsequently the proffer was added.

Mr. Hertzler moved that Planning Commission approve the site plan contingent upon the following:

1. Recordation of a subdivision plat extinguishing the interior lot line prior to the issuance of any land disturbing or building permits for the project.
2. Obtaining a VPDES permit from DEQ prior to the issuance of any land disturbing or building permits for the project.
3. Certification of the finished floor elevation of the garage by a land surveyor or engineer licensed to practice in the state of Virginia, and approval by the Zoning Administrator, before construction can begin above the finished floor elevation.
4. Certification of the final height of the structure by a land surveyor or engineer licensed to practice in the state of Virginia, verifying that the grading is in accordance with the final site plan and that the building meets the 35 foot height requirement of the RM-2 District.
5. Recordation of a plat granting the City a utility easement for the water system improvements and sidewalk improvements prior to the issuance of a certificate of occupancy for the project.
6. Recordation of a BMP maintenance agreement prior to the issuance of

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- any land disturbing or building permits for the project.
7. Purchase of Chesapeake Bay credits by the applicant in the amount of \$6,500 prior to the issuance of any land disturbing or building permits for the project.
8. Receipt of an engineer's as-built certification of the BMP prior to the issuance of any certificate of occupancy for the project.
9. Receipt of an approval letter/easement from the adjacent landowner for work shown on their property prior to the issuance of any land disturbing or building permit for the project.
10. Resolution of minor engineering details with the City Engineer.

Mr. Young seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Friend, McBeth, Pons, Freiling, Hertzler
No:	None
Abstain:	None
Absent:	Smith

**SPR #04-010: CWF/Williamsburg Lodge, 310 South England Street - Phases II, III and IV to include new conference center, new restaurant and new guest houses. The Commission approved the site plan with contingencies by a vote of 5-0-1.**

Mrs. Murphy reviewed the memorandum dated April 9, 2004 and noted that stormwater and water quality will be achieved by a reduction of impervious area from 64 to 47 percent and handled by existing ponds. The Architectural Review Board approved the development plans with conditions on April 13, 2004.

Mr. Hertzler said he likes the diversity of plant material and Mr. Pons stated the retaining wall with vegetation covering it is a great plan.

Mr. Young moved that the Planning Commission approve the site plan contingent upon the following:

1. Recordation of a plat granting the City a utility easement for the water system improvements prior to the issuance of a certificate of occupancy for the project.
2. Approval of the Parking Master Plan (PCR #04-005) by City Council.
3. Obtaining a VPDES permit from DEQ prior to the issuance of any land disturbing or building permits for the project.

Mr. Hertzler seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Young, Friend, McBeth, Pons, Hertzler
No:	None



Abstain: Freiling  
Absent: Smith

## **OLD BUSINESS**

### **Amend Planning Commission Bylaws to establish a time limit for speakers.**

In response to a query by Chairman Freiling, Mr. Nester clarified that the Bylaws would not permit speakers to make comments a second time during the meeting.

Mr. Hertzler moved that the Planning Commission amend the Bylaws by adding Article XI, Section 11-4, limiting speaking time limits.

Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye: Young, Friend, McBeth, Pons, Freiling, Hertzler  
No: None  
Abstain: None  
Absent: Smith

## **OPEN FORUM**

Chairman Freiling opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **NEW BUSINESS**

Chairman Freiling again raised the issue of having the staff memorandum and recommendations on the City's web site, to which Mr. Nester responded it would be relatively easy to put memos on, but some of the larger reports would be more involved. He said he will check into this and report back to the Commission at the next meeting. He noted that we send agendas out via e-mail to a number of interested parties. Mr. Hertzler suggested we try putting the packets on the web site for a year or two and then re-evaluate its value. Mr. Freiling asked that Mr. Nester return to the next meeting with a feasibility report.

**OTHER** - None

## **INFORMATION ITEMS**

Report from City Council  
Planning Department Monthly Report  
Monthly Financial Statement  
Status Report on current projects was presented by Reed Nester

**PUBLIC HEARINGS SCHEDULED FOR MAY 19, 2004 – None**

Next Comprehensive Plan Update work session is scheduled for April 19 at 3:30 p.m. with Bob Taylor and Tory Gussman from the Colonial Williamsburg Foundation. The first public forum regarding the Update will be May 6 at 6:30 p.m.

The meeting adjourned at 5:10 p.m.

Paul Freiling, Chairman  
Williamsburg Planning Commission